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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SIMON COLE, individually, and d/b/a
DAWN OF GAMES, and KARL TUCKER,
individually, and on behalf of KARL
TUCKER PRODUCTIONS, INC., and
BENJAMIN PAUL BISTLINE,
individually, and on behalf of P & V
CAPITOL RESOURCES, INC., and
JUSTIN BOWMAN & JOHN BARROSO,
individually, and d/b/a JSB
INVESTMENTS, and JOHN
MCCORMACK, individually and
ALEXANDER LOZANO, individually and
on behalf of AES TRADING, INC., and
DAVID K. CABAGE, individually,

Plaintiff(s),

v.

GREGORY M. SCHNEIDER, AMANDA
SCHNEIDER, BRIAN C. COOK,
individually and d/b/a SHIPPING
SOLUTIONS, INC., SHIPPING
SOLUTIONS FULFILLMENT, INC., d/b/a
RED FROG USA, d/b/a IDEA FACTORY
COMPANY, d/b/a TZD.COM, d/b/a
C4GAMESTORE.COM. d/b/a
HOTGAMESTUFF.COM and BLUE SKY
CAPITAL MANAGEMENT
CORPORATION, d/b/a
PLUGNPLAYFOREX.COM,

Defendant(s).

Civil Action No. 3:08-cv-1013

**STIPULATED REQUEST TO WITHDRAW
MOTION TO COMPEL ARBITRATION
AND [PROPOSED] ORDER**

HON. WILLIAM J. HAYNES

**DATE ACTION FILED: OCTOBER 15,
2008**

TRIAL DATE: MARCH 16, 2010

IT IS HEREBY STIPULATED, the Defendants request to withdraw from the Court's consideration their pending Motion to Compel Arbitration (Filed September 28, 2009; Docket No. 78). Plaintiff's will not request an award of punitive damages and hereby agree to exclude

such relief as a remedy available at trial. Accordingly, the Plaintiff's opposition to said Motion is moot (Docket No. 81). Both parties stipulate that discovery is complete and consent to the continued jurisdiction and deadlines of this Court.

Respectfully Submitted,

Dated: January 13, 2010

s/ Bryan C. Becker
Bryan C. Becker (CA Bar No. 241956)
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-and-

/s/ John W. Roberts
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Attorneys for Plaintiffs

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Attorney for Defendants

**[PROPOSED] ORDER GRANTING THE STIPULATED REQUEST TO WITHDRAW
MOTION TO COMPEL ARBITRATION**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January ___, 2010

HON. WILLIAM J. HAYNES

UNITED STATES DISTRICT COURT JUDGE

Certificate of Service

Cole, et al. v. Schneider, et al.
Re: Case No. 3:08-cv-1013

I hereby certify that on January 14, 2010, a copy of the following document was filed electronically.

**STIPULATED REQUEST TO WITHDRAW MOTION TO COMPEL ARBITRATION
AND [PROPOSED] ORDER**

Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's System:

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Attorneys for Defendants

Dated: January 14, 2010

BECKER ATTORNEYS

By: /s/ Bryan Becker
Bryan C. Becker

Attorney for Plaintiffs